

WN-16J

George Elmaraghy, Chief  
Surface Water Division  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Re: U.S. Environmental Protection Agency Request for Complete Record Pertaining to Draft NPDES Permit, Rosebud Mining Company, Hope Road Surface Mine, Rose and Sandy Townships, Carroll County, Ohio, Permit No. OIP00189\*AD, Application No. OH0144312.

Dear Mr. Elmaraghy:

The U.S. Environmental Protection Agency has reviewed the draft National Pollutant Discharge Elimination System Permit (Permit) and supporting documents provided for the Rosebud Mining Co – Hope Road Surface Mine that were received by EPA on May 21, 2012. Because of the limited amount of information provided to EPA by the Ohio Environmental Protection Agency (Ohio EPA) to date regarding this permit, EPA is unable to complete our review and determine whether the draft permit meets the guidelines and requirements of the Clean Water Act. To enable us to complete our review, we request the complete record of the permit proceedings relative to Permit No. OIP00189\*AD. The complete record should include, but is not limited to, information that the permittee provided to Ohio EPA as required by 40 CFR 122.21(g) (1-7). We also request copies of any public comments that Ohio EPA has received on the draft permit.

I encourage your staff to work with Krista McKim of my staff to transmit the complete permit record and resolve any issues that may exist with the draft permit prior to Ohio EPA proposing a permit for final issuance. Please note that, once Ohio EPA decides that it is ready to finalize the permit, Ohio EPA must transmit the proposed permit to EPA in accordance with Sections V.C and V.D of our Memorandum of Agreement (MOA) with Ohio EPA, prior to final issuance of the permit. In accordance with Section V.E of the MOA, Ohio EPA may not proceed to finally issue the permit until it has either received a letter from EPA indicating that it is not objecting to the permit or the time periods specified in the MOA have passed and Ohio EPA has not received any comment from EPA. Finally, EPA can object to the draft permit (i.e., the permit that Ohio EPA public noticed and sought public comment on) at any time prior to the date that Ohio EPA transmits the proposed permit to EPA for final review in accordance with Section V.C and V.D of the MOA.

Thank you for your cooperation during the review process. If you have any questions related to EPA's review, please contact Patrick Kuefler of my staff. Mr. Kuefler can be reached by telephone at (312) 353-6268 or by Email at *kuefler.patrick@epa.gov*.

Sincerely,

Kevin M. Pierard, Chief  
NPDES Program Branch

cc: D. Michael Jamison, Rosebud Mining Co – by certified mail  
Sara Hise, Ohio EPA

D. Michael Jamison  
General Manager of Ohio Operations  
Rosebud Mining Co.  
95 North Lisbon St  
Carrolton, OH 44615

bcc: Krista McKim  
Reading File  
Robert Thompson, ORC